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EXAMINER

PRIZIO JR, PETER

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/006,342

Applicant(s)

WONG ET AL.

Examiner

Peter Prizio

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 5, 8, 11 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,483,500 to Choi et al.
3. Regarding claim 1, Choi et al. (Fig. 2) teaches a rotatable bezel (31), identifying a change (91), a plurality of positions (Col. 10, Lines 25-30), and a processor (70).
4. Regarding claim 4, Choi et al. (Fig. 2) teaches a mechanical bezel (31) on housing (30).
5. Regarding claim 5, Choi et al. (Fig. 6) teaches a virtual bezel (220).
6. Regarding claim 8, Choi et al. (Fig. 7A & 7B) teaches a scrolling of entries on the display that correspond to movement of the bezel (Col. 9 Line 65 – Col. 10, Line 7).
7. Regarding claim 11, Choi et al. teaches selecting an application for a user based on the input value (Col. 7, Lines 6-7).
8. Regarding claim 23, Choi et al. (Fig. 2) teaches a means for identifying a change in position of an input device (31) corresponding to movement of the input device from an original position to anyone of a plurality of new positions along an arc length that

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defines a range of freedom for the input device (Col. 7), means for determining an input value from the change in position (70), and means for processing the input value (22, Fig. 4).

9. Claims 12 – 15, 19, and 20 – 22 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,556,222 to Narayanaswami.

10. Regarding claim 12, Narayanaswami (Fig. 2) teaches a rotatable bezel (95) that can rotate 360 degrees (Col. 5, Line 53) incorporating a plurality of positions (302, Fig 8A) (Col. 5, Line 54), an interface (69), and a processor (55).

11. Regarding claim 13, Narayanaswami (Fig 8B) teaches a bezel (400) that forms the housing segment that at least partially circumvents the display (410).

12. Regarding claim 14, Narayanaswami (Fig. 6B) teaches a bezel (400) that is a display assembly that is rotary coupled to the housing (Col.9, Line 39).

13. Regarding claim 15, Narayanaswami teaches a bezel (400) that is actuatable to cause an input (Col. 9, Lines 3-6). One skilled in the art would recognize that the amount of scrolling would be proportional to the change in arc length of the bezel.

14. Regarding claim 19, Narayanaswami (Fig. 2) teaches a touch sensitive display (90) included with a bezel (95).

15. Regarding claims 20-22, Narayanaswami (Fig. 6A) teaches the diameter length of the bezel (400) being at least 50% of, at least 90% of, or greater than a length of the electronic device (410) (Col. 8, Lines 26-28).

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 2, 6, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al. as applied to claim 1 above, in view of Narayanaswami.

18. Regarding claim 2, Narayanaswami (Col. 5, Lines 50-55) suggests identifying a change in position of an input device corresponds to identifying a new position that is at least 180 degrees apart from the original position along the arc length. It would have been obvious to one skilled in the art to modify the teachings of Choi et al. to identify a change in position that is a predetermined amount away, as taught by Narayanaswami, for the benefit of inputting action signals that correspond to the bezel movements.

19. Regarding claims 6 and 7, Narayanaswami (Col. 5, Lines 45-47) suggests an analog signal corresponding to the change in position and teaches converting the analog value to a digital value. It would have been obvious to one skilled in the art to modify the teachings of Choi et al. using a bezel that produces an analog signal that is converted into a digital signal, as taught by Narayanaswami, for the benefit of infinitely many positions on the bezel.

20. Regarding claim 10, Narayanaswami (Col. 3, Line 64) suggests control of an external device using the input value. It would have been obvious to one skilled in the

art to modify Choi et al. to include wireless communication as taught by Narayanaswami for the benefit of controlling external devices wirelessly.

21. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al., as applied to claim 1 above, in view of US Patent 6,407,379 to Shinbo. Shinbo (Col. 10, Lines 6-8) teaches a bezel that can identify a change in position of an input device that corresponds to identifying a new position that is up to 360 degrees apart from the original position. It would have been obvious to one skilled in the art to modify the bezel in Choi et al. to determine changes in input up to 360 degrees as taught by Shinbo for the benefit of properly identifying an input action.

22. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al., as applied to claim 8 above, in view of US Patent 5,495,566 to Kwatinetz. Kwatinetz (Fig. 7, Col. 10) teaches the method of skipping entries to the appropriate entry when scrolling (706). It would have been obvious to one skilled in the art to modify Choi et al. with Kwatinetz in order to increase the speed of scrolling.

23. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanaswami, as applied to claim 12 above, in view of US Patent 6,297,795 to Kato et al. Kato et al. (Fig. 4) teaches a partially embedded bezel (12). It would have been obvious to one skilled in the art to modify Narayanaswami with a partially embedded bezel as taught by Kato et al. to prevent accidental activation of the bezel when in a pocket or case.

24. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanaswami, as applied to claim 12 above, in view of US Patent 5,983,073 to

Ditzik. Ditzik (Fig. 5) teaches an opaque (Col. 10, Line 31) lid (17) that is rotatable about a first axis (10). It would have been obvious to one skilled in the art to modify Narayanaswami with an opaque lid as taught by Ditzik for the benefit of protection of the electronic device while allowing a user to view the display in the closed position.

### ***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents have been referenced in order to demonstrate the state of the art of bezels, rotary switches, and virtual control of touch sensitive devices:

US Patent 4,910,503 to Brodsky

US Patent 4,932,045 to Kasoff et al.

US Patent 6,281,940 to Sciammarella

US Patent 6,425,129 to Sciammarella et al.

US Patent 6,466,236 to Pivowar et al.

US Patent 6,335,725 to Koh et al.

US Patent 6,331,867 to Eberhard et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Prizio whose telephone number is (703) 305-5712. The examiner can normally be reached on Monday-Friday (8:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (703) 305-4709. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Peter Prizio  
Examiner  
Art Unit 2674

PP



RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
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